

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

STEVES AND SONS, INC.,

Plaintiff,

vs.

NICK SCOTT COPELAND, STIER
SUPPLY COMPANY, JONATHAN
“RYAN” STIER, RYAN STEAD,
KORADOOR, LLC, and TKI, INC.,

Defendants.

Civil Action No. 2:24-cv-07015-BHH

**DEFENDANT STIER SUPPLY
COMPANY’S MOTION FOR LEAVE TO
FILE UNDER SEAL**

Pursuant to Federal Rule of Civil Procedure 5.2(d) and Local Civil Rule 5.03 (D.S.C.), Defendant Stier Supply Company (“SSC”), by and through the undersigned counsel, submits this Motion to Seal its forthcoming Answer and Counterclaim and accompanying Exhibit A to Plaintiff Steves and Sons, Inc.’s Verified Complaint.¹

Pursuant to Local Civil Rule 5.03 (D.S.C.), SSC requests that the Court permit it to file (1) an **unredacted sealed** version of its Answer and Counterclaim and (2) an **unredacted sealed** version of Exhibit A attached to its Counterclaim.

A description of the exhibit attached to the Answer and Counterclaim is as follows:

A. **Exhibit A** – Operative Stier Supply / Steves and Sons Strategic Alliance and Supply Agreement.

SSC asserts it is entitled to file unredacted versions of the Answer and Counterclaim and this accompanying Exhibit A under seal because they contain information the parties consider to be confidential information relating to their Strategic Alliance and Supply Agreement, which

¹ Under Local Civil Rule 7.04 (D.S.C.), “a supporting memorandum is not required” here.

forms the entire basis of SSC's counterclaim against Steves and includes a confidentiality provision.

Specifically, the confidentiality provisions states that "this Agreement and all information related to this Agreement (including, but not limited to pricing, rebates, and Purchase Commitment), reflects commercially sensitive information and shall remain confidential between the Parties." The Agreement further prohibits the parties from disclosing the information contained in or relating to the Agreement to third persons, except for their respective counsel. Accordingly, these documents must be filed under seal because a less restrictive alternative would reveal "confidential" information. *See Ashcraft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000) (requiring Court to "consider less drastic alternatives" to sealing). Further, SSC asserts it has taken and will take careful consideration in redacting the Answer and Counterclaim and accompanying Exhibit A, so as to redact only that information that is truly confidential as provided under the Agreement and nothing more so the public availability of nonconfidential information is preserved to the fullest extent possible.

Pursuant to Local Civil Rule 5.03(D) (D.S.C.), this Motion to Seal filed on the Court's electronic docket provides public notice of SSC's request to seal and affords interested parties the opportunity to object. *See Ashcraft*, 218 F.3d at 302.

In accordance with Local Civil Rule 5.03 (D.S.C.), SSC will submit an unredacted version of the Answer and Counterclaim as well as Exhibit A and label it "Confidential Information to be Submitted to Court in Connection with Motion to Seal" for *in camera* review upon the Court's request.

SSC is therefore entitled to relief under *Ashcraft*, Federal Rule of Civil Procedure 5.2(d), and Local Civil Rule 5.03 (D.S.C.), and requests that the Court grant this Motion to Seal.

CONCLUSION

For the reasons above, Defendant Stier Supply Company asks the Court to enter an Order permitting SSC to file its unredacted Answer and Counterclaim and accompanying Exhibit A under seal.

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February 5, 2025

CERTIFICATE OF COMPLIANCE WITH LOCAL CIVIL RULE 5.03

Pursuant to local Civil Rule 5.03(B) (D.S.C.), the undersigned attorney hereby certifies compliance with the requirements of Local Civil Rule 5.03 (D.S.C.), which pertains to the filing of documents under seal.

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